

**MINUTES**  
**Montana Fish, Wildlife & Parks Commission Meeting**  
**Helena Headquarters**  
**1420 East 6<sup>th</sup> Avenue**  
**Helena, MT 59620**

**August 7, 2003**

**Commission Members Present:** Dan Walker, Chairman; Tim Mulligan, Vice-Chairman; John Brenden; John Lane; Mike Murphy.

**Fish, Wildlife & Parks Staff:** Chris Smith, Director; Department personnel.

**Guests:** Dan Dambrosio, Associated Press; Harold Main, Ft. Belknap Fish & Wildlife; Robert Magnan, Ft. Peck Fish & Game; Raymond Chandler, Ft. Belknap Community Council; Larry Copenhaver, MT Wildlife Federation; Tim Frederick, Walleyes Unlimited; Mike Hedrick, CMR NWR; Mary Ellen Schnur, MOGA; Jerry Kaiser, BIA; James Halseth, MTA; Charles Shanefelter, MTA; Debby Barrett, State Representative; Emily and Dud Burnett, MTA; Elaine Mann, Broadwater County commissioner; Sam Babich, Skyline Sportsmen's Association; Russ Copeland, MOGA; Bill Holdorf, Skyline Sportsmen's Association; Tim Ravndal, MMVA; Jay Bodner, MT Stockgrowers; Al Christophersen, RMEF.

**Topics of Discussion:**

- 1. Opening - Pledge of Allegiance**
- 2. Approval of July 10, 2003 Commission Minutes**
- 3. Approval of Commission Expenses through July 31, 2003**
- 4. Huson Fishing Access Acquisition Proposal - Informational**
- 5. River Recreation Advisory Council Update**
- 6. Reallocation of Surplus Variable Priced B10 and B11 Licenses - Final**
- 7. Region 1 Headquarters Grant of Easement to MDT - Final**
- 8. Proposed Bushilla Acquisition for Lewis & Clark Caverns - Tentative**
- 9. Proposed Kreitzberg Acquisition for Chief Plenty Coups State Park - Tentative**
- 10. 2003 Deer, Elk & Antelope Quotas - Final**
- 11. 2003 / 2004 Furbearer Quotas - Final**
- 12. Early Season Migratory Bird Regulations - Final**
- 13. 2003 Late Season Waterfowl Seasons / Closures - Tentative**
- 14. Select Organization to Auction Moose & Sheep Licenses - Final**
- 15. Chronic Wasting Disease (CWD) Rule**
- 16. Citizens' Opportunity to Speak on Issues not Discussed at this Meeting**

**1. Opening - Pledge of Allegiance.** Chairman Dan Walker called the meeting to order at 8:10 a.m. and led the Pledge of Allegiance.

**2. Approval of Commission Minutes.**

*Action: Brenden moved and Mulligan seconded the motion to approve the minutes of the July 10, 2003 meeting. Motion carried.*

**3. Approval of Commission Expenses through July 31, 2003.**

*Action: Murphy moved and Lane seconded the motion to approve the Commission expenses through July 31, 2003 as presented. Motion carried.*

**Montana-Wyoming Tribal Fish & Wildlife Commission - Informational.** Robert Magnan (Robbie), Director, Fish & Game Department, Ft. Peck Indian Reservation, spoke on behalf of the Inter-Tribal Commission, which represents seven Montana Tribes and one Wyoming Tribe. He said he felt the work session held August 6<sup>th</sup> was productive. He recapped the eight concerns that were discussed with the FWP Commission at that session.

1. *Jurisdiction.* The Tribes ask that they be considered as separate Nations when negotiating Cooperative Agreements with FWP, as each Tribe has unique and individual needs.
2. *Funding.* The Tribes would like to be better informed on availability and requirements of funding in grant programs. They would like the same opportunity, and the same amount of time to apply for the grant monies. They would like the information regarding the funding opportunities to be sent directly to the directors of their Fish & Game Departments.
3. *Bird Shooting Farms.* The Tribes would like to have input, and the opportunity to review and comment on the issuance of game farm permits and/or shooting preserve permits when on or near a Reservation.
4. *Outfitting.* The Tribes wish to bring to the attention of the FWP Commission that illegal outfitting is occurring on the Reservations, and that they desire to work closely with the State to address the concerns and problems involved.
5. *Liaison between the Tribes and FWP.* The Tribes request that the Tribal Fish & Wildlife Commission be allowed the opportunity to provide input into the selection of any Tribal liaison appointed to coordinate between the State and Tribes. They request that any such person be knowledgeable of the Tribes' cultures, concerns, regulations, and be beyond bias in terms of association with the State and government agencies.
6. *Tribal Representation on the Montana FWP Commission.* The Tribes would like to see Tribal representation on the FWP Commission, as decisions are made that directly affect the Tribes. They want to be treated as nations with separate governments.
7. *State and Tribal Cooperative Agreements.* The Tribes would like to see the development of an Agreement that outlines the administrative duties and responsibilities of the State and the Tribes. When entering into such cooperative agreements, the Tribes would like to maintain sovereignty over their natural resources, and ensure that any agreement would not infringe on tribal jurisdiction. The Tribes would like to retain their right to establish and conduct non-member hunting programs within their reservations.
8. *State Law Enforcement Academy.* The Tribes are appreciative of training provided by MLEA, and would like to see more educational opportunities.

**4. Huson Fishing Access Acquisition Proposal - Informational.** **Doug Monger, FWP Parks Division Administrator**, presented this proposal in the absence of Chris Hunter, FWP Fisheries Administrator. **Monger** explained that this access to the Clark Fork River has been allowed by a private landowner for the last 20 years, however, the landowner sold his property last spring. Since the sale of the property, the access site has been closed to the public, causing concern by sportsmen, as this is the only access to the river for approximately 25 miles. The adjacent landowner is willing to sell 2-4 acres to FWP to develop a fishing access site. **Brenden** inquired as to the cost of the land. **Monger** said the amount is undetermined at this point, and that the appraisal process will begin upon approval of the Commission. **Murphy** asked if this would be a reasonable access site, to which Monger affirmed that it would be. He said the right-of-way is part of the property and a title search will be conducted.

*Action: **Murphy** moved and **Mulligan** seconded the motion to grant the Department authority to proceed with negotiations toward the acquisition of the Huson FAS. Motion carried.*

**5. River Recreation Advisory Council (RRAC) Update.** **Charlie Sperry, FWP River Recreation Management Specialist**, briefly described the proposed work plan actions developed to implement the recommendations made by the RRAC. The RRAC developed their recommendations through open public meetings. The Council's recommendations were presented to the Commissioners at the July work session. **Sperry** touched on each of the five components of the action plan. He is seeking approval from the Commission to proceed with the work plan as proposed.

*1<sup>st</sup> Action - Complete the Work of the River Recreation Advisory Council.* The final report is on the FWP website and is available in hard copy. The RRAC will reconvene in the fall to continue their discussion on permitting, and they will provide a summary of what the discussion revealed.

*2<sup>nd</sup> Action - Develop a FWP River Recreation Management Policy.* The policy will be based on recommendations of the RRAC. A working group has been assembled within FWP to work toward developing a proposal for river recreation management for FWP

*3<sup>rd</sup> Action - Conduct River Review and Prioritization.* FWP regions will conduct a review of the rivers in Montana using the RRAC recommended River Conditions Designation System to prioritize those in need of management. Existing data will be utilized for the review. Sperry anticipates that the review will be conducted this fall and be completed early in 2004.

*4<sup>th</sup> Action - Develop a FWP River Recreation Management Program.* In order to implement the RRAC recommendations, it will be necessary to institute a river recreation management plan within FWP. The plan will identify resources, funding needs, and sources for additional revenue that will be required.

*5<sup>th</sup> Action - Implement River Recreation Actions Statewide and on Specific Rivers.* As policies are developed, FWP and the Council will continue to be involved with individual rivers.

The Blackfoot and Madison Rivers are developing Cooperative Management Agreements with the Bureau of Land Management. The Beaverhead / Bighole Rivers' recreation rules will be reviewed by FWP as the river recreation policy is in place. **Mulligan** stated that if restrictions are placed on rivers, FWP will need to institute Administrative Rules, and the Rule process would need to be consistent with the Beaverhead / Bighole process, as well as with Commission policy on river recreation management.

**Walker** expressed concern that the members of the RRAC may be tiring, and he wants to ensure that there is not a disconnect with the group. **Sperry** said the RRAC will be kept abreast of developments, and assure that FWP keeps on track with the Council's recommendations.

*Action: **Mulligan** moved and **Walker** seconded the motion that the Department proceed with the Work Plan for Developing a River Recreation Management Policy and Program as outlined. Motion carried.*

**6. Reallocation of Surplus Variable Priced B10 and B11 Licenses - Final.** **Dan Ellison, FWP Administration and Finance Division Administrator**, stated there are more unsold licenses this year than in past years. **Ellison** introduced **Hank Worsech, FWP License Bureau Chief**, who said there are currently 420 B-10 licenses and 50 B-11 licenses available. The Licensing Bureau is recommending selling the excess B-10 licenses at \$635, which is the normal price for the regular B-10 licenses, and selling the B-11 licenses at \$335, all in conjunction with the alternates list, which has been developed for refunded licenses.

**Walker** asked if this procedure is consistent with past years, to which **Worsech** replied that last year was the first time this had came up. Last year, the decisions were not made until November; this year they would like to have the determinations set prior to September. He added that last year's licenses were offered to persons on the alternates list. **Brenden** asked what B-10 and B-11 licenses were priced at currently. **Worsech** explained that these are Outfitter Sponsored Priced Licenses, and that presently the B-10 license costs \$1025 and the B-11 license costs \$775. **Brenden** asked how many licenses were unsold at this time last year, to which **Worsech** replied that as of Sept 1<sup>st</sup> last year, there were 41 excess B-10 licenses and 200 excess B-11 licenses. **Mulligan** inquired if there are additional options, and asked what the rationale for the September 1<sup>st</sup> deadline is. **Worsech** answered that the September 1<sup>st</sup> deadline is stated in Administrative Rule. **Mulligan** also asked **Worsech** if FWP has the option to continue selling the licenses as originally designed, after September 1<sup>st</sup>. **Worsech** then read Statute 87-1-268 which states "The sale prices for the licenses must be established so that by the last day in the established period, those licenses that are unsold, up to 5,500 Class B-10 licenses and 2,300 Class B-11 licenses, may be reallocated by the Commission for a drawing at a price set by the Commission".

**Brenden** asked if the cost of the licenses might be a factor in the high number of surplus licenses. **Mulligan** said that although that might be a contributing factor, other states are struggling as well. **Ellison** stated that the prices were higher last year, and yet there were fewer unsold licenses. He said the cost was reduced by \$75 this year, which indicates there must be other factors involved. **Brenden** said he was concerned that these licenses would be sold to outfitters. **Mulligan** clarified that these licenses are offered to the public and not to outfitted clients. **Ellison** said two lists have been developed - an alternates list, and a list of persons requesting their names be placed on a list for consideration. When **Mulligan** asked if FWP could continue to sell the guaranteed outfitter licenses parallel to this non-outfitter process, he was told that according to policy this is not viable. **Murphy** asked if there has been an increase in requests for refunds. **Worsech** replied that there have only been a few requests for outfitter refunds due to fires.

*Action: **Lane** moved and **Murphy** seconded the motion to authorize the Department to sell the surplus variable priced B-10 licenses at the non-variable price of \$635, and sell the surplus variable priced B-11 licensees at the price of \$335. Motion carried.*

**Licenses Refund Policy - Information.** **Worsech** stated that through established Administrative Rule, the FWP director has been granted authority to authorize exceptions to the refund policy when extenuating circumstances due to natural disasters exist. **Worsech** said fire and drought are of concern at this time. He said the refund policy was established in 2000, with guidance from the Commission, and that it basically deals with outfitted hunts. He has received three requests for refunds from outfitters who hunt the Missouri Breaks where the burned area is located. **Worsech** said in the year 2000, fire damage refunds were provided at 100% as long as requestors provided documentation to substantiate their claims.

**Larry Peterman, FWP Field Operations Chief**, said there is a process and policy in place for emergencies situations, such as fires. He added that of the 854 refunds that were made in 2000, only 189 of them were relative to fire. **Lane** asked if it's too late for an outfitter to change his operational plan for this hunting season. **Worsech** said there is a process by which outfitters can change their operation plan, but it involves filing a Landowner Agreement form with the Board of Outfitters, and obtaining leases in time for the season. Bow season also limits them. He said outfitters can receive refunds for their clients as long as established criteria is met. **Chris Smith, FWP Chief of Staff**, said under the ARM rule, the Commission delegated to the director the authority to make exceptions to the standard refund policy in view of natural disasters, and what is presented at this meeting has laid out is how the director exercised that authority in the year 2000. He said when similar conditions prevail, FWP will exercise that delegated authority in the same manner, unless the Commission states otherwise. **Walker** said the refund policy is well thought out. **Brenden** concurred, adding that it is also fair to sportsmen. **Walker** asked that **Worsech** mail a copy of the policy to the Commissioners.

**Walker** said non-resident fees in Montana are discussed at length in relation to those of other states. He stated that he does not recall an easy-to-read table of comparisons, and would like that information. He is primarily interested in Montana, Idaho, Colorado, Utah, New Mexico, and Wyoming. **Brenden** suggested including North Dakota, South Dakota and Nebraska. **Smith** said FWP is in possession of a comparison table that includes all of the states in the Western Association of Fish & Wildlife Agencies. It will be provided to the Commission.

**7. Region 1 Headquarters Grant of Easement to MDT - Final.** **Glenn Erickson, FWP Field Services Administrator**, said that in August of 2001, FWP granted fee title to Montana Department of Transportation (MDT) at Region 1 Headquarters in Kalispell for approximately 9,000 square feet of land that MDT needed for a highway reconstruction project. Compensation for this was \$36,000. MDT has discovered the project is in need of an additional 140 square feet of land on which to place utility pedestals on the street corner. **Erickson** said the compensation to FWP would be \$500, as the land appraises at \$3.25 dollars per square foot. The compensation received by FWP will go into the real property trust as required by law. FWP staff met with MDT several times, and feels that this project is reasonable. The only impact to FWP will be a small reduction in the parking area. FWP signs will be placed on each side of the pedestals so they will not be visible to the public.

*Action: **Murphy** moved and **Brenden** seconded the motion that the Department grant to MDT the 140 square foot easement located at the Region 1 Office for \$500 as proposed. Motion carried.*

**8. Proposed Bushilla Acquisition for Lewis & Clark Caverns - Tentative.** **Doug Monger, FWP Park Administrator**, said FWP was approached by Dan Bushilla, who offered to sell an 8.66 acre parcel of land to FWP. This parcel is located adjacent to the Lewis and Clark Caverns, on the southwest edge, in the Jefferson River Canyon. It is rugged and undeveloped, and the only access to this property is through the Caverns or through private property. The Bushillas would like to see the property remain undeveloped and become a part of the State Park. **Monger** said that due to its rough terrain, this property may appraise very low, so it may be necessary for FWP to propose a higher offer to make it worth the landowners' time and effort.

*Action: **Mulligan** moved and **Walker** seconded the motion that the Department proceed with the negotiations for acquisition of 8.66 acres of land located adjacent to Lewis & Clark Caverns as proposed. Motion carried.*

**9. Proposed Kreitzberg Acquisition for Chief Plenty Coups State Park - Tentative.** **Monger** said Dean and Venita Kreitzberg have offered to sell to FWP approximately 15 acres of land adjacent to Plenty Coups State Park. The Kreitzbergs would like to see this land become a segment of the Park. **Monger** said this land has historic relevance to the Park as it was originally part of Chief Plenty Coups' wife's land allotment. Acquisition of this land would also create the opportunity to remove the current caretaker's trailer from the park area. The Kreitzbergs would like to close by October, 2003, due to Kreitzberg's health. **Monger** said FWP would be eligible for 50/50 matching funds through Federal money. **Walker** expressed concern about the cost of this acquisition. **Monger** assured the Commission that appraisals will be required to meet federal standards. He said, and **Darlene Edge, FWP Land Agent**, concurred, that any Montana certified appraiser can conduct the appraisal. **Walker** asked to see the appraisals when they are completed.

*Action: **Walker** moved and **Lane** seconded the motion that the Department proceed with negotiations for acquisition of the approximately 15 acres of land located adjacent to Chief Plenty Coups State Park as proposed. Motion carried.*

**10. 2003 Deer, Elk & Antelope Quotas - Final.** **Jeff Herbert, FWP Wildlife Assistant Administrator** introduced **Gary Hammond** as the new FWP Wildlife Management Bureau Chief. **Herbert** presented the Wildlife Division proposals.

### **Final Deer Quotas for 2003**

**Region 1-** No proposed changes from tentative recommendations.

**Region 2** – No proposed changes from tentative recommendations.

*Action: **Murphy** moved and **Lane** seconded the motion to approve the Region 1 and Region 2 Final Deer quotas as recommended by the Department. **Mulligan** amended the motion to increase Antlerless Mule Deer in District 325-00 from 200 to 350, and an increase in Antlerless Mule Deer in District 326-00 from 150 to 250. Motion carried.*

**Region 3** – **Herbert** said there are 2 proposed quota changes to Region 3.

District 312-50 - Decrease Antlered Buck Mule Deer from 175 to 100

District 380-02 - Increase Antlerless Mule Deer / Whitetail Deer B License from 50 to 100.

**Murphy** expressed hesitation in reducing the opportunity in District 312-50 by what he feels is a large amount. **Herbert** said according to statistics / surveys, there are not bucks available in the area.

**Mulligan** said there have not been negative comments regarding this reduction, and he noted that this area is managed as a trophy deer area. He added that the flight data and population counts for this area are probably the most extensive and accurate in the state. **Murphy** said he doesn't like such huge changes from one year to the next – he said he understands the need for statistical impacts, but he feels the reduction is drastic. **Herbert** said the area is surveyed regularly by air, and bucks have not been sighted.

*Action: **Murphy** moved and **Walker** seconded the motion to modify the proposed change of decreasing District 312-50 from 175 to 100, to decreasing District 312-50 from 175 to 125. Four in favor - one opposed (Mulligan). Motion carried.*

**Walker** questioned **Mulligan** as to why the concentration on mule deer rather than mule deer and whitetail deer in Districts 325-00 and 326-00. **Mulligan** said there are not many whitetail in those areas, and landowners (Matador Ranch and Brown Ranch) have expressed concerns relative to mule deer. He said the deer numbers in those areas are good. **Mulligan** said Bob Brannon, FWP Region 3 Biologist, concurs that this is a good idea. **Kurt Alt, FWP Region 3 Wildlife Manager**, agreed as well. **Mulligan** said the only concern he has is if they will get enough applications.

*Action: **Mulligan** moved and **Lane** seconded the motion to approve the Region 3 deer quota recommendations as amended. Motion carried.*

**Region 4 - Herbert** said there is one proposed change to Region 4.

District 405-00 – Decrease Antlerless Mule Deer B licenses from 500 to 300

*Action: **Lane** moved and **Murphy** seconded the motion to approve the Region 4 deer quotas as recommended by the Department. Motion carried.*

**Regions 5, 6, and 7 - Herbert** said there are no proposed changes.

*Action: **Brenden** moved and **Walker** seconded the motion to approve the Regions 5, 6 and 7 deer quotas as recommended by the Department. Motion carried.*

### **Final Elk Quotas for 2003.**

**Region 1 - Herbert** said there are no proposed changes.

*Action: **Murphy** moved and **Brenden** seconded the motion to approve the Region 1 elk quotas as recommended by the Department. Motion carried.*

**Region 2 – Herbert** said there is one proposed change.

District 282-70 - Increase A7 Antlerless Elk Licenses from 75 to 100

*Action: **Murphy** moved and **Walker** seconded the motion to approve the Region 2 elk quotas as recommended by the Department. Motion carried.*

**Region 3 – Herbert** said there are no proposed changes from tentative recommendations.

**Murphy** said District 380 is of concern to him. He said he cannot support decreasing permits at this level, as people have applied with expectations of a better chance of receiving a permit due to higher numbers. He said he has discussed this situation with Tom Carlsen, FWP Region 3 Biologist. **Murphy** questioned why there were 1,800 head of animals considered last year, and only 1,400-1,500 now. He wondered if there is a migration of the elk, or was there an overestimation last year. **Murphy** said Carlsen informed him they need to reduce the numbers of permits in order to bring the numbers of animals back up, but **Murphy** feels more elk need to be harvested from the area.

*Action: **Murphy** moved and **Walker** seconded the motion to approve the Region 3 elk quotas as recommended by the Department with the following amendments to decrease District 380-20 (either sex elk) from 125 to 100, District 380-00 (antlerless elk) from 200 to 150, District 380-01 (antlerless elk) from 75 to 50, District 380-02 (antlerless elk) from 75 to 50, and District 380-70 (antlerless elk A7) from 200 to 100.*

*Discussion: **Herbert** said based on the 3 scenarios Tom Carlsen depicted, the permit levels just recommended approximate Scenario A. The projection of these recommendations, from a total number standpoint, would be approximately 1,575 as compared to the 1,700 that the Department recommends in the Management Plan, recognizing that the population objective for the EMU is 1,900-2,200. It is the consensus of the working group to manage toward 1,800. **Kurt Alt, FWP Region 3 Wildlife Manager**, said the bottom line in this issue is the that there is an agreement on flights, and he said it needs to be acknowledged that Tom Carlsen knows how to count elk with the pilots FWP uses. Alt asks that Carlsen be supported in the fact that he can count elk, and he hopes that is not forgotten next winter if another recommendation is proposed. **Alt** added that the working group did agree that FWP should manage for the lower end of the objective, which is 1,800, and how quickly that is achieved is less of a concern, as long as we're going in the right direction. **Murphy** asked what impact predators have. **Alt** replied that **Ken Hamlin, FWP Region 3 Biologist**, is conducting flight surveys, and biologists in the Upper Big Hole are surveying as well.*

**Mulligan** said he preferred for the tentatives to go to the public indicating the most severe cuts, receive comments, then reassess the numbers, rather than begin with a lesser cut first. He said there was not a great deal of comment received from the public. His preference would be to remain with the 75 bulls as recommended by FWP. He shared his concerns that in increasing the number of bulls, if there is a good harvest, and the problems with calf recruitment continue, FWP may need to reduce bull permits even more severely in the future to get back into the boundaries of the objective of the current elk plan. **Herbert** said a presentation will be made to the Commission in October with a working draft of a new elk management plan.

*Action On Motion: Motion carried.*

*Action: **Walker** moved and **Lane** seconded the motion to modify the tentative in District 311-20 from 4 to 2 permits, the tentative in District 311-21 from 4 to 2 permits, and the tentative in District 362-11 from 8 to 6.*

*Discussion: **Mulligan** said he would like to know landowners' response to this. **Alt** said the Flying D Ranch (Districts 311-20 and 311-21) want to know who will select the two that they are going to let on their private land - FWP or them. **Alt** said they were adamant that they did not want to do this - if FWP plans to make changes, they feel it is time to sit down and negotiate before FWP makes this an issue with them. They feel this is going too far too fast. They didn't rule it completely out, but they have ruled it out on the context that there are other issues they would like to work with FWP on first. **Mulligan** said he doesn't want to see a permit issued if it cannot be used. **Alt** said he wasn't sure where FWP would send more handicapped or youth if the ranch doesn't grant access, and he said they made it clear they weren't going to for an additional two.*



**Alt** said increasing from 4 to 8 was too much in District 362. Four landowners are involved. One is in agreement, one will not allow them in at all, the 3<sup>rd</sup> is in a block management program so its possible to work with them, and the 4<sup>th</sup> is the Sun Ranch who will work with FWP. **Alt** said increasing to 6 will work.

**Mulligan** said he cannot support the District 311 changes as he feels the publicity and problems from youth who aren't going to get the opportunity to hunt far exceed the benefits.

**Walker** asked if the have there been elk taken north of the Flying B Ranch on private lands. **Alt** said yes, but things have changed due to a landowner dispute over bison damage to smaller land owners. Flying D erected a substantial bison fence resulting in a change in the movement and distribution of elk over the last 4 years on the north boundary.

*Action on Motion: Four in favor and one opposed. (Mulligan opposed). Motion carried.*

*Action: Mulligan moved and Murphy seconded the motion to approve Region 3 elk quotas as recommended by the Department with amendments to Districts 311-20, 311-21, and 362-11. Motion carried.*

**Region 4 – Herbert** said there is one proposed change.

District 450-00 - Increase Antlerless Elk Permits from 60 to 80

*Action: Lane moved and Murphy seconded the motion to approve the Region 4 elk quotas as recommended by the Department. Motion carried.*

**Region 5 – Herbert** said there is one proposed change.

The change concerns HB454 which created the Public Elk Hunting Access Agreement option. It is listed as a 411-21 permit type; the ranch is in two districts - 411 and 511 – so FWP is recommending approval of the Swans Ranch Hunting Access agreement that provides 1 permit to the landowner and 4 permits to the public. It is an agreement that was in place last year.

*Action: Walker moved and Lane seconded the motion to approve the Region 5 proposals including the Swan Ranch Agreement. Motion withdrawn allowing further discussion of Region 5.*

**Brenden** questioned whether District 580-23 was only cow elk in the past. **Ray Mule', FWP Region 5 Wildlife Manager**, said that he was not aware of that being the case. **Mulligan** said in the 2001-2002 season, it was antlerless elk only. **Mulligan** said he could not recall if it was landowners who requested the change to antlerless only. **Walker** said he recalls that conscious changes were made in Region 5 to get away from either sex permits.

*Action: Walker moved and Lane seconded the motion to approve the Region 5 proposals including the Swan Ranch Agreement, as recommended by the Department. Motion carried.*

**Region 6 and 7 – Herbert** said there are no changes.

**Harold Wentland, FWP Region 6 Wildlife Manager**, told the Commission he recommends decreasing District 631-20 from 30 to 20 and District 632-20 from 15 to 10 due to a joint agreement with the CMR and FWP.

*Action: Brenden moved and Walker seconded the motion to approve the Region 6 and 7 quota recommendations as proposed by the Department with amendments to decrease District 631-20 from 30 to 20 and decrease District 632-30 from 15 to 10. Motion carried.*

**Elk A9 Second Antlerless Elk License - Herbert** said there is one proposed change from tentatives.

District 202-80 - Eliminate proposed A9 2<sup>nd</sup> Antlerless Licenses

**John Firebaugh, FWP Region 2 Wildlife Manager**, said the reason is that the landowner was initially interested in the A9 licenses due to elk damage on his property. However, the landowner decided he did not want the extra hunters on his property.

**Herbert** said the intent in the District 421 and 423 series was to strike the words “must have written landowner permission before purchasing” from the guidelines. The region felt that language was not necessary. **Lane** asked if the language should be consistent within the districts. 421 and 423 say as a header “access is limited - hunters are encouraged to secure access prior to application” in the regulation booklet. These two documents should read the same.

*Action: **Lane** moved and **Brenden** seconded the motion to delete the words “must have written landowner permission before purchasing” from the tentatives in Districts 421/423 and 422 and add “Access is limited - hunters are encouraged to secure access prior to application” to District 422 in order to make language in the regulations consistent in all three districts. Motion carried*

*Action: **Murphy** moved and **Lane** seconded the motion to approve the A9 Second Antlerless Elk License Regulations as recommended by the Department including the amendments to District 202-80 and the wording to District 421/423 and 422. Motion carried.*

### **Final Antelope Quotas for 2003.**

**Region 2 – Herbert** there are no proposed changes.

*Action: **Murphy** moved and **Lane** seconded the motion to approve the Region 2 antelope quotas as recommended by the Department. Motion carried.*

**Region 3 – Herbert** said there are 4 proposed changes.

District 319-00 - Increase Either Sex Licenses from 35 to 50

District 330-00 - Increase Either Sex Licenses from 325 to 400

District 330-10 – Increase Doe/Fawn Licenses from 175 to 400

District 338-00 – Increase Either Sex Licenses from 300 to 350

*Action: **Mulligan** moved and **Murphy** seconded the motion to approve the Region 3 antelope quotas as proposed by the Department. Motion carried.*

**Region 4 – Herbert** said there are seventeen proposed changes to Region 4.

District 413-00 – Increase Either Sex Licenses from 200 to 250

District 420-00 – Increase Either Sex Licenses from 300 to 350

District 420-10 - Increase Doe/Fawn Licenses from 400 to 500

District 430-00 - Increase Either Sex Licenses from 225 to 300

District 430-10 – Decrease Doe/Fawn Licenses from 600 to 475

District 440-00 – Increase Either Sex Licenses from 75 to 125

District 444-00 - Increase Either Sex Licenses from 75 to 125

District 450-00 – Increase Either Sex Licenses 250 to 300

District 450-10 – Increase Doe/Fawn Licenses from 500 to 900

District 480-00 – Increase Either Sex Licenses from 800 to 1000

District 480-10 – Increase Doe/Fawn Licenses from 1000 to 1200

District 481-00 – Increase Either Sex Licenses from 500 to 750

District 481-10 – Increase Doe/Fawn Licenses from 750 to 850

District 490-00 – Increase Either Sex Licenses from 125 to 225

District 490-10 – Increase Doe/Fawn Licenses from 200 to 275

District 491-00 - Increase Either Sex Licenses from 125 to 150

District 491-10 – Increase Doe/Fawn Licenses from 225 to 275

*Action: Lane moved and Walker seconded the motion to approve the Region 4 antelope recommendations as proposed by the Department. Motion carried.*

**Region 5 - Herbert** presented the following proposed changes.

District 500-00 – Increase Either Sex Licenses from 500 to 600

District 572-00 – Decrease Either Sex Licenses from 350 to 250

District 590-00 – Increase Either Sex Licenses from 700 to 800

Districts 500, 501, 510, 513, 530, 550, 560, 570, 571, and 590 - Provide Each Either Sex License Holder the Opportunity to Purchase 1 Additional Doe/Fawn License

*Action: Walker moved and Mulligan seconded the motion to approve the Region 5 antelope recommendations as proposed by the Department. Motion carried.*

**Region 6 - Herbert** said there are 3 proposed changes.

District 620-10 – Increase Doe/Fawn Licenses from 25 to 200

District 630-00 – Increase Either Sex Licenses from 200 to 300

District 640-00 – Increase Either Sex Licenses from 100 to 150

*Action: Brenden moved and Walker seconded the motion to approve the Region 6 antelope recommendations as proposed by the Department. Motion carried.*

**Region 7 – Herbert** said there is one proposed change.

District 700-00 – Increase to 8000 the number of successful Either Sex License

holders who will be offered the opportunity to purchase up to 2 Doe/Fawn licenses.

*Action: Walker moved and Lane seconded motion to approve the Region 7 antelope recommendations as proposed by the Department. Motion carried.*

*Action: Walker moved and Mulligan seconded the motion that FWP establish the quota for the disabled antelope permits at 30 for the year 2003. Motion carried.*

**11. 2003 / 2004 Furbearer Quotas - Final.** Herbert stated that the three species the Commission will deal with at this meeting are the Otter, Bobcat, and Fisher.

**Otter** – Herbert said there are no proposed changes to the tentatives for Otter.

*Action: Mulligan moved and Walker seconded the motion to approve the otter recommendations as proposed by the Department. Motion carried*

**Bobcats** – Herbert said there are two proposed changes to the tentatives for Bobcats.

Increase the Trapping District 5bobcat quota from 300 to 350.

*Action: Walker moved and Lane seconded the motion to approve the bobcat quotas as recommended by the Department. Motion carried.*

**Fisher** - Herbert said there are no proposed changes.

*Action: Lane moved and Brenden seconded the motion to approve the fisher quota as recommended by the Department. Motion carried.*

**12. Early Season Migratory Bird Regulations - Final.** Herbert said there are no proposed changes for morning doves, sandhill crane, or mourning doves.

*Action: Mulligan moved and Murphy seconded the motion to approve the recommendations for the early season migratory birds as proposed by the Department. Motion carried.*

**13. 2003 Late Season Migratory Waterfowl Seasons / Closures - Tentative.** Herbert said meetings of the Flyway Council and the Service Regulations Committee resulted in the following proposed regulations. He said a restrictive season and moderate package for ducks had been anticipated, but substantial rain and snow across the prairies lessened the restrictions. As a comparison, he noted that last year there were 1.5 million ponds in the Canadian prairies, which was near a record low, and this year the May survey indicated there are 3.5 million ponds due to significant snow and rainfall.

The proposed package is essentially the same as last year. It is a liberal regulation for ducks.

He said there is a 2-day youth waterfowl season from September 27-28.

The standard opening date for ducks and geese is October 4<sup>th</sup> which is the closest Saturday to the first of October. There are 105 days plus the 2 youth days in the Pacific Flyway from October 4 – January 16. The maximum we are allowed is 107 days.

One change to the bag limit is that the Canvasback season is restrictive within the season. He said last year the season was closed on Canvasbacks. The Pintail and Canvasback harvest strategies call for a more restrictive season, and a liberal season for all other ducks. In the Pacific Flyway, there is a 60-day season for both Pintails and Canvasbacks which is October 4 – December 2. He said the goose seasons stay the same as last year, fairly liberal, and the season in the Pacific Flyway is October 4 – January 16. Swan season dates are October 18 – December 1 in the Pacific Flyway.

Herbert said there is a slightly more conservative season in the Central Flyway. The duck season is a 97-day season, which is from October 4 – January 8. It has the same Pintail and Canvasback restriction, except the dates are shorter, allowing only a 39-day season, from October 4 - November 11 in Zone 1 and Zone 2. The only change in the bag limit is to include the Merganzers into the total duck limit as opposed as to having a separate bag limit for them.

The goose season in the Central Flyway is October 4 - January 16.

The Sandhill Crane season, which is an unlimited permit hunt for mid-continent Sandhill Cranes, is September 27 - November 23.

The Falconry season in the Central Flyway is September 24 - January 8.

Herbert said there is one correction to the regulations in Region 4 at the Freezeout Wildlife Management Area exception. The dates should read November 19, 2003, and November 20, 2003 instead of 2002.

Herbert said these are the tentative recommendations, and due to the process required, he suggested a shorter comment period, and a conference call by the Commissioners to approve these at the end of the last week in August, so they can get approval in the Federal Register and get them to the printer prior to hunting season. He said typically the approval is handled by conference call.

**Herbert** said approval of the Confederated Salish & Kootenia Tribe Upland Gamebird regulations will also need to be acted on at that time.

**CONFERENCE CALL WILL BE AT 8:00 A.M. ON AUGUST 28, 2003.**

*Action: **Mulligan** moved and **Lane** seconded the motion to approve the 2003 migratory bird late season regulations as proposed by the Department. Motion carried.*

**14. Select Organization to Auction Moose & Sheep Licenses - Final.**

The Sheep auction has been handled by the Foundation for North American Wild Sheep (FNAWS) in past years. Rocky Mountain Elk Foundation and Skyline Sportsmen's Association have auctioned the moose permit.

**Moose**

FWP has received written applications from Rocky Mountain Elk Foundation (RMEF) and Skyline Sportsmen's Association (SSA). Walker opened the floor for the bidders to speak in their own behalf.

Al Christopherson of RMEF stated his organization feels they are in the best position to raise funds for the moose permit. However, he said, if the Commission feels it will jeopardizes their opportunity to auction the elk tag that will be offered this November for the first time, they would request that FWP offer it elsewhere.

Sam Babich of Skyline Sportsmen's Association stated that his organization would welcome the opportunity to auction the permit. He said they may not have raised as much money in the past as other organizations, but they are a local group, and the monies go to local functions. He said they also have nationwide contacts that will assist them in publicizing the auction.

Bill Holdorf of Skyline Sportsmen's Association said he feels they can do a good job of advertising, and earning as much money as any other group.

*Action: **Mulligan** moved and **Walker** seconded the motion to approve Skyline Sportsmen's Association as the organization to auction off the 2003 moose permit. Brenden abstained from voting. Motion carried.*

**Murphy** asked the representative from Skyline what they would do different than they have in the past. They replied that they would advertise more, and that they also have support from MOGA.

Skyline thanked the Commission for their selection.

**Sheep**

FWP received one bid application for the Sheep permit.

*Action: **Brenden** moved and **Lane** seconded the motion to approve FNAWS as the organization to auction off the 2003 sheep permit. Motion carried.*

**15. Chronic Wasting Disease (CWD) Rule - Herbert** reminded the Commissioners that they had adopted the proposed CWD rule regulating animal importation as tentative. This proposed rule consisted of 9 specifications, and the rule reads as follows:

It shall be unlawful to import dead deer or elk into the State of Montana from any other state or country, which has diagnosed Chronic Wasting Disease in a wild animal, except for the following portions of the carcass:

1. Meat that is cut and wrapped
2. Quarters or other portions of meat with no part of the spinal column or head attached
3. Meat that has been boned out
4. Hides with no heads attached
5. Clean (no meat or tissue attached) skull plates with antlers attached
6. Antlers with no meat or tissue attached
7. Upper canine teeth, also known as “buglers”, “whistlers”, or “ivories
8. Finished head, partial body or whole body mounts already prepared by a taxidermist
9. A tested and certified disease free animal

**Herbert** said the public comments he has received have been in support of this rule, and even more stringent constraints are requested. **Walker** asked if item #9 is practical; he is concerned that a test may be developed that FWP doesn't approve of. **Herbert** said it would depend on whether or not it is a WAFWA or USDA certification. **Mulligan** asked if there was a higher entity that endorsed this test. **Walker** suggested FWP establish an approved test for consistency. **Walker** asked again if eliminating Number 9 would be a better solution. **Murphy** said he is the one who recommended that specification, and he still supports it. **Brenden** expressed concern regarding persons traveling through Montana with game. He asked what surrounding states are doing, as there are health ramifications as well as economic ramifications. **Murphy** asked if meat processors are in violation of the law if they process game brought in from other states. **Herbert** said that the liability lies with the person who brings game into Montana, and that the Enforcement division checks tags at processing establishments. **Chris Smith** stated that this rule would have no impact on processors. **Smith** said there are 12 states and 1 Canadian Province who currently have bans, and 6 more states are discussing similar bans.

**Herbert** said adopting this rule reduces the risks of CWD. He said this would be considered as an annual regulation for this year, and if it is proposed to become a permanent rule, it would need to go through the ARM process. **Mulligan** said he feels FWP should adopt the rule for one year. He asked **Kropp** what the Enforcement Division's perspective on this rule is. **Kropp** said Enforcement supports the rule, as it provides consistency with other states' requirements. **Walker** recommended tabling this topic until the Conference Call on August 28.

**16. Citizens' Opportunity to Speak on Issues Not Discussed at this Meeting.**

Tim Frederick, Walleyes Unlimited, Helena Chapter, read letters from Broadwater Board of County Commissioners, Townsend Area Chamber of Commerce, and Walleyes Unlimited of Montana concerning limits on Canyon Ferry Lake. Frederick requested to be included on the September agenda, to which Chairman Walker granted their request. Frederick stated that they would like to conduct a public poll regarding the limits. **Mulligan** asked if FWP had conducted public meetings regarding Canyon Ferry, to which **Karen Zackheim, FWP Fisheries Management Bureau Chief**, said FWP had offered 3 of them. **Mulligan** asked Frederick if Walleyes Unlimited are dissatisfied

with how FWP conducts public meetings, to which Frederick replied no. **Mulligan** suggested that they continue to utilize the established public comment process that FWP provides.

**Fire and Drought Update.** **Larry Peterman, FWP Field Operations Chief**, updated the Commission on the fire and drought situations. He said FWP has been involved at regional and headquarters level. He said streamflows and water body closures have created emergency fishing regulations on several rivers, and several voluntary fishing regulations are in place for afternoon and evenings on the Bitterroot, Blackfoot, Jefferson River, and Rattlesnake Creek.

**Peterman** said when disaster situations exist, coordination efforts between local and federal governmental agencies can be chaotic. A multi-agency coordinating group has been developed between Montana, North Dakota, and Idaho. He stated that the Governor has closed hunting season in the past due to natural disaster, necessitating the establishment of a refund policy. He said the fire situation this year is very serious, as now is the normal beginning of the fire season – it started very early this year. He explained that fire restrictions are categorized according to Stages. Stage 1 has more minimal restrictions, and Stage 2 consists of no open campfires, etc., and Stage 3 is total closure to the public. Presently, there are hoot owl restrictions on logging.

**Peterman** said Western Montana and most of Central Montana are under Stage 2 restrictions, and Eastern Montana is at Stage 1, except for a couple counties, with expectations that they, too, will go to Stage 2 soon. Some counties are requesting Stage 3 status, but land agencies are resisting. FWP is looking at sites that will not be a problem to close, in an effort to be proactive rather than reactive. In 2000, FWP took the position that hunting season would not be closed, however, hunters would be held to whatever restrictions were already in place. Enforcement priorities must be established to ensure the public comply with restrictions such as not shooting off firecrackers, or lighting campfires, etc., as opposed to checking for fish limits etc.

Meeting adjourned at 1:25 p.m.

---

**Dan Walker, Chairman**

---

**M. Jeff Hagener, Director**